



April 15, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 - 12th Street, N.W.
Washington, D.C. 20554

Ex Parte

Re: WT Docket No. 00-32

Dear Ms. Dortch:

This is to notify you, pursuant to Section 1.1206 of the Commission's Rules, that Jill Lyon and the undersigned, representing the United Telecom Council (UTC) met yesterday afternoon with Bryan Tramont of the Office of Commissioner Powell to discuss the above-referenced proceeding. The attached materials were distributed during that meeting and copies were sent via email to each of the Commissioners offices today.

If there are any questions concerning this matter, please let me know.

Very truly yours,

Brett Kilbourne

Brett Kilbourne
Associate Counsel

cc:

Bryan Tramont, FCC
Jennifer Manner, FCC
Paul Margie, FCC
Sam Feder, FCC
Barry Ohlson, FCC

Why the FCC Should Permit Public Safety Radio Service Eligibility in the 4.9 GHz Band

- Utilities provide Public Safety Radio Services
 - “We conclude that this ‘public safety’ exemption from auctions was intended to apply not only to traditional public safety services such as police, fire, and emergency medical services, but also to spectrum usage by entities such as utilities, railroads, transit systems, and others that provide essential services to the public at large and that need reliable communications in order to prevent or respond to disasters or crises affecting their service to the public.” FCC Balanced Budget Act R&O
- Utilities and traditional Public Safety need interoperable communications.
 - PSWAC Interoperability Committee included a definition for “public services” because of public safety’s need to interoperate with non-public safety organizations. It explained that this definition includes organizations, which are suppliers of the nation’s basic infrastructure, which are required to promote the public’s safety and welfare. Some examples include railroads and power utilities. Section 1.2.2.
- Utilities and traditional Public Safety have similar communications needs
 - Both require highly reliable communications using spectrum that is free from interference/congestion.
- Broader eligibility creates opportunities for shared systems
 - Utilities and public safety have collocated equipment and shared frequencies to defray some of the cost of deploying systems.
 - Commonwealth of Pennsylvania and GPU (DA 99-1756)
 - Public Utility District of Snohomish County (DA 97-2190)
 - State of South Carolina and SCANA (DA 97-2120)
 - Texas Utilities Services and Federal Government (DA 97-1404)
- Congress intended to provide spectrum for a broader class of public safety radio communications.
 - PSRS eligibility should not be conditional upon PS endorsement.